

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

TRANSAMERICA LIFE INSURANCE
COMPANY, WESTERN RESERVE LIFE
ASSURANCE CO. OF OHIO, and
TRANSAMERICA FINANCIAL LIFE
INSURANCE COMPANY

Plaintiffs,

vs.

LINCOLN NATIONAL LIFE INSURANCE
COMPANY,

Defendant.

LINCOLN NATIONAL LIFE INSURANCE
COMPANY,

Defendant/Counterclaimant,

vs.

TRANSAMERICA LIFE INSURANCE
COMPANY, WESTERN RESERVE LIFE
ASSUANCE CO. OF OHIO and
TRANSAMERICA FINANCIAL LIFE
INSURANCE COMPANY,

Plaintiffs/Counterclaim Defendants.

No. C 1:06-cv-00110

PLAINTIFFS' ANSWER TO
LINCOLN NATIONAL'S
AMENDED COUNTERCLAIM

JURY TRIAL DEMANDED

Transamerica Life Insurance Company ("TLIC"), Western Reserve Life Assurance Co. of Ohio ("WRL") and Transamerica Financial Life Insurance Company ("TFLIC"), Plaintiffs/Counterclaim Defendants for Answer to the Amended Counterclaim filed by Lincoln National Life Insurance Company ("Lincoln") state as follows:

THE PARTIES, JURISDICTION AND VENUE

1. Plaintiffs admit the allegations of paragraph 1.
2. Plaintiffs admit the allegations of paragraph 2.
3. Plaintiffs admit the allegations of paragraph 3.
4. Plaintiffs admit the allegations of paragraph 4.
5. Plaintiffs admit the allegations of paragraph 5.
6. Plaintiffs admit that they are sister corporations. TFLIC admits that it is a subsidiary corporation of AEGON USA, Inc.. TLIC states it is indirectly related to AEGON USA, Inc. WRL admits that it is a subsidiary of AEGON USA, Inc. All Plaintiffs admit that AEGON USA, Inc. is indirectly related to AEGON N.V. All Plaintiffs deny the other allegations of paragraph 6.
7. Plaintiffs admit the statements made in response to paragraph 6 above, and deny all other allegations of paragraph 7.
8. Plaintiffs admit the allegations of paragraph 8.
9. Plaintiffs admit the allegations of paragraph 9.

COUNT I - PATENT INFRINGEMENT FOR THE '201 PATENT

10. Plaintiffs incorporate by reference those responses made to paragraphs 1 through 9 above as if fully set forth in this paragraph in response to paragraph 10 of Lincoln's counterclaim.

11. Plaintiffs admit the allegations relating to the title of the '201 patent and its issuance by the United States Patent and Trademark Office on or about August 8, 2006. Plaintiffs deny all other allegations of paragraph 11.

12. Plaintiffs admit the allegations of paragraph 12.

13. Plaintiffs deny the allegations of paragraph 13.

14. Plaintiffs admit that this counterclaim alleges infringement of the '201 patent. Plaintiffs deny all other allegations of paragraph 14.

15. Plaintiffs admit that counsel for Lincoln provided some information related to Patent Application No. 09/406,209 to the undersigned as counsel for TFLIC. Plaintiffs deny all other allegations of paragraph 15.

16. Plaintiffs admit that by letter dated July 28, 2006, counsel for Lincoln advised the undersigned as counsel for TFLIC that Patent Application No. 09/406,209 was subject to an "Issue Notification" from the United States Patent and Trademark Office and, further, that said patent would issue on August 8, 2006. Plaintiffs deny all other allegations of paragraph 16.

17. Plaintiffs deny the allegations of paragraph 17.

18. Plaintiffs deny the allegations of paragraph 18.

19. Plaintiffs deny the allegations of paragraph 19.

WHEREFORE, Transamerica Life Insurance Company, Western Reserve Life Assurance Co. of Ohio and Transamerica Financial Life Insurance Company, Plaintiffs, herein pray the Court enter an Order denying the relief requested by Lincoln in subparagraphs (a) through (f).

JURY DEMAND

Transamerica Life Insurance Company, Western Reserve Life Assurance Co. of Ohio and Transamerica Financial Life Insurance Company, Plaintiffs, pursuant to FRCP 38 hereby demand trial by jury on all issues triable by right of jury as raised by Lincoln's counterclaim.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this document was served upon counsel of record for each party to the action in compliance with FRCP 5 on December 6, 2007 by:

☒ Electronically via ECF for ECF registrants
☐ U.S. Mail _____
☐ Fax _____
☐ Fed Ex _____
☐ Hand Delivered _____
☐ other _____

/s/ Kathryn J. Ibsen